



MEMORANDUM

Agenda Item No. 8(M)(2)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: December 6, 2011

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution authorizing execution
of a road jurisdiction Transfer
Agreement between Miami-Dade
County and the Miami-Dade
Expressway Authority (MDX)
for NW 138 Street from
Okeechobee Road/SR 25 to west
of Interstate 75 approving the
official right-of-way transfer map

The accompanying resolution was prepared by the Public Works and Waste Management Department and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.

A handwritten signature in dark ink, appearing to read "RAC", is written over a horizontal line.

R. A. Cuevas, Jr.
County Attorney

RAC/up

Memorandum



Date: December 6, 2011

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Resolution Authorizing Execution of a Road Jurisdiction Transfer Agreement Between Miami-Dade County and the Miami-Dade Expressway Authority for NW 138 Street from Okeechobee Road/SR 25 to west of Interstate 75, Approving the Official Right-of-Way Transfer Map, and the Recording of said Map Among the Public Records

RECOMMENDATION

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution authorizing the execution of a Road Jurisdiction Transfer Agreement (Agreement) between Miami-Dade County (County) and the Miami-Dade Expressway Authority (MDX) to transfer NW 138 Street from Okeechobee Road/SR 25 to west of Interstate 75 (I-75), from County to MDX jurisdiction, approving the Official Right-of-Way Transfer Map of NW 138 Street from Okeechobee Road/SR 25 to west of I-75, and authorizing the recording of said map among the Public Records.

SCOPE

MDX has requested that the County transfer the right-of-way known as NW 138 Street from Okeechobee Road/SR 25 to west of I-75 from County to MDX jurisdiction (Attachment 1). This roadway is located within the City of Hialeah (City) and Commission District 12.

FISCAL IMPACT/FUNDING SOURCE

Upon execution of this Agreement and recordation of the Official Right-of-Way Transfer Map, the County will no longer be liable for expenses related to the operation and maintenance of this roadway. In addition, it will enable the County to receive reimbursement (\$6,860,000) from the City for County expenditures that have been made pursuant to the existing Joint Participation Agreement (JPA) between the City and County for the City's construction of improvements along NW 138 Street (Project). MDX will thereafter assume responsibility to reimburse the City for their completion of the Project.

DELEGATION OF AUTHORITY

No additional authority is being requested within the body of this contract.

TRACK RECORD/MONITOR

The Public Works and Waste Management Department (PWWM) is the entity overseeing this item and the person responsible is Raul A. Pino, PLS, Land Development/Right-of-Way Chief.

BACKGROUND

On June 30, 2009, the BCC approved a JPA between Miami-Dade County and the City, to provide County funding for the construction of the Project under Resolution No. R-838-09. The construction of this Project is ongoing and will be completed by the City.

MDX is pursuing the extension of SR 924 (Gratigny Expressway) west to the Homestead Extension of the Florida Turnpike (HEFT) and proposes to utilize NW 138 Street to provide this connection. The City is in support of this proposed arrangement in order to facilitate access and mobility in this developing area of the County (Attachment 2). MDX has held public meetings for the project and the preferred

Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners
Page 2

alternative is the NW 138 Street alignment. This transfer does not prejudice the outcome of the on-going project development and environmental study.

The expressway extension is proposed to be tolled at its eastern and western-most connections, SR 924 and the HEFT respectively, with the roadway section in between remaining as a controlled-access, non-tolled facility. In order for MDX to utilize its capital bond funding for the Project, MDX must have a property interest in the proposed facility. Therefore, MDX has requested that NW 138 Street, from Okeechobee Road/SR 25 to west of I-75 be transferred from the County to MDX jurisdiction.

Once the roadway transfer has occurred, MDX will reimburse the City for costs incurred to widen the roadway. The County and the City propose to amend the existing JPA to reimburse to the County all funds previously paid by the County to the City for the Project, and to terminate the remainder of the JPA. The City will reimburse the County for its contributions toward the Project within 60 business days of the execution of the Amendment to the JPA, as well as this Agreement and the recordation of the Official Right-of-Way Transfer Map. The Amendment to the JPA is concurrently being presented for approval by the BCC under a separate resolution. A new JPA will then be submitted for other programmed projects within the City that will utilize those same reimbursed funds.

The Resolution authorizes the recording of an Official Right-of-Way Transfer Map which shall serve as the instrument of conveyance pursuant to Chapter 337.29 of the Florida Statutes, to be attested by the Deputy Clerk of the Board on behalf of the BCC and returned to PWWM to be recorded in the Public Records of Miami-Dade County Florida.



County Manager/Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: December 6, 2011

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 8(M) (2)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(M) (2)
12-6-11

RESOLUTION NO. _____

RESOLUTION AUTHORIZING EXECUTION OF A ROAD JURISDICTION TRANSFER AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE MIAMI-DADE EXPRESSWAY AUTHORITY (MDX) FOR NW 138 STREET FROM OKEECHOBEE ROAD/SR 25 TO WEST OF INTERSTATE 75 (I-75); APPROVING THE OFFICIAL RIGHT-OF-WAY TRANSFER MAP; AUTHORIZING RECORDING OF SAID MAP AMONG THE PUBLIC RECORDS; AUTHORIZING THE TRANSFER OF RIGHT-OF-WAY AS DEPICTED THEREON TO MDX; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

WHEREAS, the Miami-Dade County Expressway Authority (MDX) has requested that Miami-Dade County transfer the right-of-way known as NW 138 Street from Okeechobee Road/SR 25 to west of I-75, from County jurisdiction to MDX jurisdiction,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the Road Jurisdiction Transfer Agreement between Miami-Dade County and MDX attached hereto and incorporated herein, pursuant to Section 335.0415, Florida Statutes, transferring the County-maintained roadway facilities to MDX, and authorizes the County Mayor or County Mayor's designee to execute same for and on behalf of Miami-Dade County and to exercise the provisions therein; AND authorizes the conveyance of a right-of-way transfer map to MDX pursuant to this resolution as attested by the Clerk of the Board and the subsequent recording of

said right-of-way transfer map in the public records, in substantially the form attached hereto and made a part hereof.

The foregoing resolution was offered by Commissioner ,
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice-Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of December, 2011. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Debra Herman



MIAMI-DADE EXPRESSWAY AUTHORITY
AN AGENCY OF THE STATE OF FLORIDA

3790 N.W. 21st St. Miami, FL 33142 tel 305.637.3277 fax 305.637.3283
suncom 461.3277 www.mdx-way.com

September 17, 2010

FELIX M. LASARTE, ESQ.
Chair
LOUIS V. MARTINEZ, ESQ.
Vice-Chair
JORGH M. VIGIL, ESQ.
Treasurer
GUS PIGO, P.E.
MDOT District Six Secretary

MAURICE A. FERRÉ
MARITZA GUTIERREZ
ROBERT W. HOLLAND, ESQ.
NICK A. INAMIDAR
AL MALOOF, Ph.D.
GONZALO SANABRIA
SHELLEY SMITH FANO
YVONNE SOLER MCKINLEY
NORMAN R. WARTMAN

JAVIER RODRIGUEZ, P.E.
Executive Director
MARIA LUISA NAVIA LOBO
Secretary

Ms. Esther Calas, P.E., Director
Miami-Dade County Public Works Department
Stephen P. Clark Center
111 NW 1st Street, 16th Floor
Miami, Florida 33128

Re: N.W. 138th Street Roadway Jurisdictional Transfer in support of MDX Project
#92404, SR 924 Extension West to the Homestead Extension of the Florida Turnpike
(HEFT)

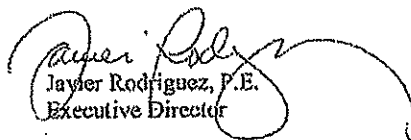
Dear Ms. Calas: *Esther*

I am writing to respectfully request that N.W. 138th Street be transferred from Miami-Dade County to MDX jurisdiction. MDX is pursuing the extension of SR 924 to the HEFT as part of the MDX Master Plan and MPO's Long-Range Transportation Plan utilizing the N.W. 138th Street corridor. The project includes a six-lane divided at-grade typical section along N.W. 138th Street, similar to the plans currently under construction by the City of Hialeah.

The expressway extension is proposed to be tolled at its eastern- and western-most connections with SR 924 and HEFT, respectively with the roadway section in between remaining as a controlled access, non-tolled facility. In order for MDX to utilize its capital bond funding for the project, MDX must have a property interest in the proposed facility and is, therefore, requesting the roadway transfer from the County. Once the transfer has occurred, MDX will reimburse the City for costs incurred to widen the roadway, which will then allow the City to reimburse the County for its contributions toward the N.W. 138th Street widening. MDX will also assume perpetual maintenance responsibility for the transferred roadway facility as part of its System.

Please begin preparation of right-of-way maps for this section of N.W. 138th Street as required for the jurisdictional transfer to MDX. Thank you for your assistance in this regard. If any additional information is needed, please contact MDX Director of Engineering Mr. Alfred Lurigados at (305) 637-3277 extension 2114 or alurigados@mdxway.com.

Sincerely,


Javier Rodriguez, P.E.
Executive Director

Cc: Mayor Julio Robaina, City of Hialeah
Mayor Yioet De La Cruz, City of Hialeah Gardens
Gaspar Miranda, Miami-Dade County Public Works Department
Alfred Lurigados, MDX
Pamela Leslie, MDX
Mary Conway, HNTB

Attachment 1

Julio Robaina
Mayor

Carlos Hernandez
Council President

José Yedra
Council Vice President



City of Hialeah

Council Members

Jose R. Caragol
Vivian Casals-Muñoz
Katharine E. Cue
Isis García-Martínez
Luis Gonzalez

September 29, 2010

Mrs. Esther L. Calas, P.E., Director
Miami-Dade County Public Works
111 NW 1 Street - Suite 1510
Miami, Florida 33128-1970

Re: NW 138th Street Roadway Transfer and Agreement Modification

Dear Mrs. Calas:

An agreement between Miami-Dade County and the City of Hialeah currently exists for the construction of the NW 138th Street corridor, which links I-75 to 107th Avenue.

MDX is proposing to eventually extend the western portion of this corridor to the HEFT and utilize this newly constructed surface corridor as a direct link between the two expressway systems as an eventual direct continuation of the Gratigny Expressway.

The City of Hialeah is in support of this proposed arrangement in order to facilitate access and mobility in this newly annexed and developing area of the County.

Respectfully,


Julio Robaina
Mayor

cc: Javier Rodriguez, MDX

JR/jeh
S:\NT\Corregido\County\Calas\MDX138Agreement\Support

Raul J. Martinez Government Center
501 Palm Avenue, Hialeah, Florida • 33010-4719
www.hialeahfl.gov

Attachment 2

ROAD JURISDICTION TRANSFER AGREEMENT
NW 138 STREET FROM OKEECHOBEE ROAD/SR 25 TO FLORIDA DEPARTMENT OF
TRANSPORTATION RIGHT-OF-WAY AT I-75
BETWEEN MIAMI-DADE COUNTY AND THE MIAMI-DADE EXPRESSWAY AUTHORITY

This Agreement is made and entered into this ____ day of _____, 2011 by and between the Miami-Dade Expressway Authority ("MDX" or "Authority"), a body politic and corporate, a public instrumentality and an agency of the State of Florida, created pursuant to Chapter 348, Part I, Florida Statutes, and Miami-Dade County, Florida (the "County"), a political subdivision of the State of Florida, pursuant to the provisions of Section 335.0415, Florida Statutes.

WITNESSETH

WHEREAS, MDX has undertaken a preliminary study of various options to extend the western limits of SR 924, a toll facility under the jurisdiction of MDX; and

WHEREAS, NW 138 Street is a public roadway on the County Road System and under the jurisdictional control of Miami-Dade County; and

WHEREAS, the County has undertaken to fund certain improvements to NW 138 Street through an agreement with the City of Hialeah; and

WHEREAS, MDX considers portions of NW 138 Street to be included in one of the most viable options for extension of SR 924; and

WHEREAS, transfer of NW 138 Street from the County Road System to the jurisdictional control of MDX for the extension and improvement of SR 924 will facilitate travel to and through urban Miami-Dade County and will facilitate access to intermodal facilities, including but not limited to Miami International Airport and the Port of Miami; and

WHEREAS, transfer of NW 138 Street from the County Road System to the jurisdictional control of MDX for the extension and improvement of SR 924 will facilitate emergency evacuation in Miami-Dade County; and

WHEREAS, MDX is willing to assume the cost of improvements to and future maintenance of NW 138 Street in exchange for the jurisdictional transfer of NW 138 Street from the County to MDX.

NOW THEREFORE, in consideration of the mutual covenants and other good and valuable consideration, the receipt of which is hereby acknowledged, County and MDX hereby agree as follows:

1. Definitions

- a. The term "Transferred Right of Way" shall mean the right-of-way-delineated as NW 138 Street as reflected in the right-of-way map attached hereto as Exhibit "A" and made a part hereof.
- b. "Costs of Improvements" to NW 138 Street are those as set out in Exhibit "B," attached hereto and made a part hereof.

2. Recitals

The foregoing recitals are true and correct and incorporated as if fully set out herein.

3. MDX Responsibilities

- a. MDX shall bear the "Cost of Improvements" made to NW 138 Street, as set out in Exhibit "B", either through direct payment of such costs or through reimbursements made either directly to the County or through transfer of funds to be made via the City of Hialeah to the County.
- b. Further, the responsibility for and the cost of all maintenance and operation of NW 138 Street as delineated in Exhibit "A," subsequent to its jurisdictional transfer from the County to MDX shall be borne by MDX.
- c. The guardrail and lighting system that exists for NW 138 Street within that certain portion of the canal right-of-way, described in Exhibit "C", will be transferred to MDX and will remain in place as permitted improvements within the canal right-of-way subject to the terms of a permit or license agreement from the Miami-Dade County Department of Environmental Resources Management.
- d. The culvert connecting the canal on the west side of NW 97 Avenue to the canal on the north side of NW 138 Street will be transferred to MDX and shall be considered a part of the roadway facility. MDX will be responsible for maintaining flow pursuant to the flow rights easement reserved by the County and MDX shall have the right to connect the culvert to the existing County canal facilities.
- e. Jurisdictional, operational and maintenance responsibilities by MDX will commence upon the execution of this Agreement and the recordation of the Road Right-of-Way Map in the Public Records of Miami-Dade County, Florida, in accordance with Section 337.29 of the Florida Statutes.

4. County Responsibilities

The County shall execute the appropriate transfer documents and record Exhibit "A" in the public records of Miami-Dade County, Florida, reflecting the jurisdictional transfer of NW 138 Street to MDX. The County shall retain jurisdiction over the existing canal and canal rights-of-way located immediately adjacent to the portion of NW 138 Street that is the subject of this transfer agreement.

5. Notices.

Any and all notices required to be given under this agreement shall be sent by first class mail, addressed as follows:

For the County:

Attention: Esther L. Calas, P.E.
Director, Miami-Dade County Public Works Department
111 NW First Street, Suite 1640
Miami, Florida 33128
(305) 375-2960

For MDX:

Attention: Javier Rodriguez, P.E.
Executive Director, Miami-Dade Expressway Authority
3790 N.W. 21st Street
Miami, Florida 33142
(305) 637-3277

IN WITNESS WHEREOF, the parties hereto set their hands and official seals the day
and year first above written.

ATTEST:

HARVEY RUVIN
CLERK OF THE BOARD

MIAMI-DADE COUNTY, FLORIDA,
BY ITS BOARD OF
COUNTY COMMISSIONERS

BY: _____
Deputy Clerk

BY: _____
County Mayor or County Mayor's Designee

Approved by County Attorney
as to form and legal sufficiency _____

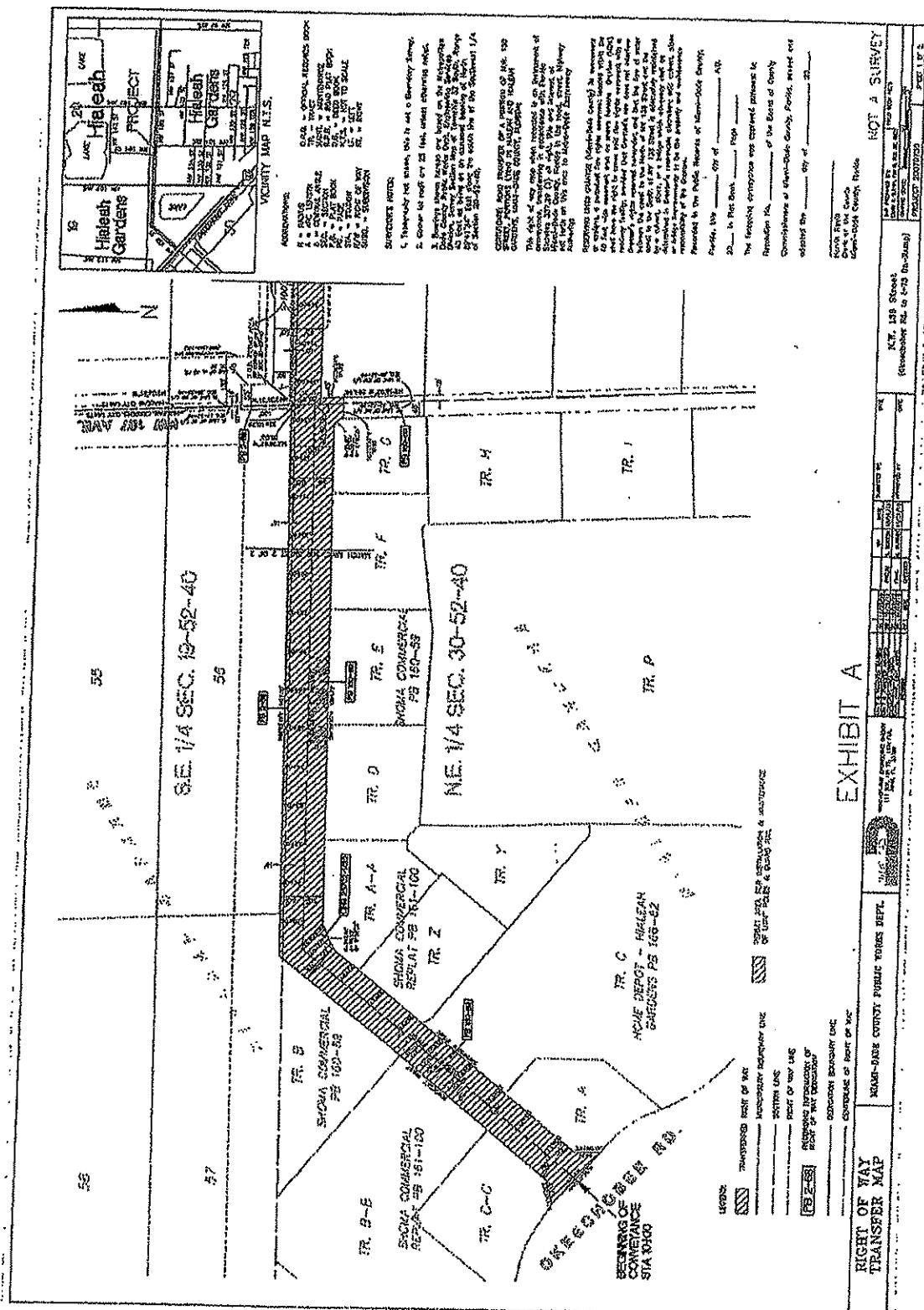


Maria Luisa Navia Lobo
Secretary

MIAMI-DADE EXPRESSWAY AUTHORITY

BY: *Javier Rodriguez*
Javier Rodriguez, P.E.
Executive Director

Approved by MDX General Counsel
as to form and legal sufficiency *Pamela S. Leslie*



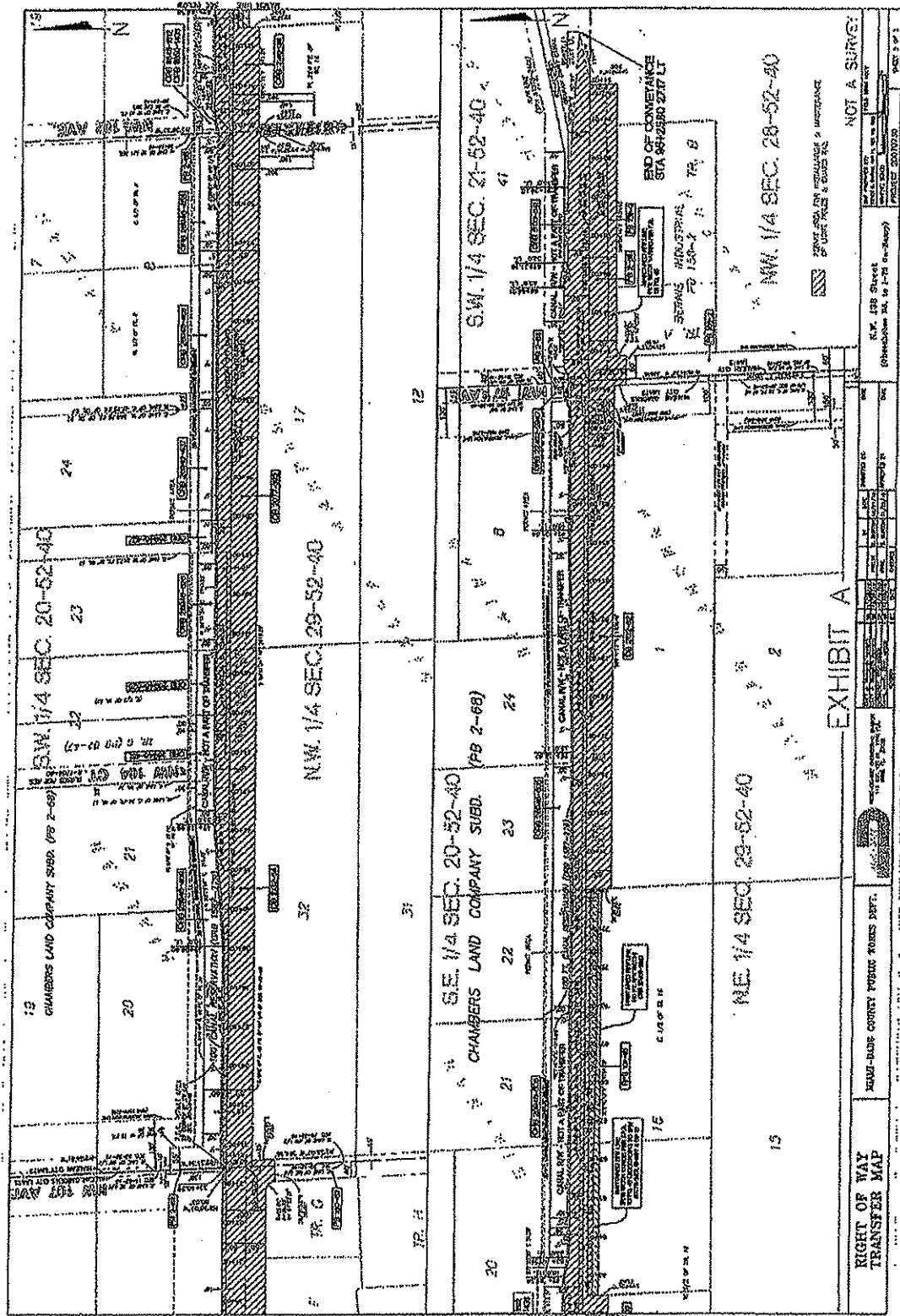


Exhibit B
Cost of Improvements

Fiscal Year	Funding Amount	MDX Funding Source
2011	\$14,400,000	2010 Series Bonds
	\$14,400,000	<i>Total Potential MDX Funding Amount</i>

Exhibit C

Legal Description: Permit Area for NW 138 St. Canal Right of Way

A portion of Section 20, Township 52 South, Range 40 East, lying in Miami-Dade County, Florida, being a strip of land 5.0 feet in width lying north of and parallel to the following described line, being more particularly described as follows: Commence at the Southwest corner of the Southwest 1/4 of said Section 20; thence North 02° 34'51" West along the west line of the Southwest 1/4 of said Section 20 for a distance of 10.01 feet and the Point of Beginning of the herein described line; thence North 89°41'34" East parallel with and 10.0 feet north of the south line of the Southwest 1/4 of said Section 20 for a distance of 566.21 feet; thence North 85°05'16" East for a distance of 311.39 feet; thence North 89°41'34" East parallel with and 35.0 feet north of the south line of the Southeast 1/4 for a distance of 1763.22 feet; thence North 75°11'29" East for a distance of 43.99 feet; thence North 89°40'13" East parallel with and 46.00 feet north of the south line of the Southeast 1/4 of said Section 20 for a distance of 273.76 feet; thence South 77°55'20" East for a distance of 51.20 feet; thence North 89°40'13" East parallel with and 35.0 feet north of the south line of the Southeast 1/4 of said Section 20 for a distance of 1312.08 feet; thence North 88°34'13" East for distance of 572.98 feet; thence North 89°40'13" East parallel with and 46.0 feet north of the south line of the Southeast 1/4 of said Section 20 for a distance of 389.26 feet to the intersection with the east line of the said Southeast 1/4 of Section 20 and the point of terminus of the herein described line.

Exhibit C

Legal Description: Flow Rights Easement across NW 138 St. at NW 97 Ave.

A portion of Sections 20 and 29, Township 52 South, Range 40 East, lying in Miami-Dade County, Florida, being a strip of land 40.0 feet in width, more particularly described as follows: Commence at the Southeast corner of the Southeast 1/4 of said Section 20; thence North $02^{\circ}37'55''$ West along the east line of the Southeast 1/4 of said Section 20 for a distance of 46.04 feet; thence South $89^{\circ}40'13''$ West along a line 46.0 feet north of and parallel with the south line of said Southeast 1/4 of Section 20 for a distance of 70.06 feet to the Point of Beginning of the herein described easement, lying 20.0 feet on each side of the following described centerline; thence South $02^{\circ}37'55''$ East parallel with and 70.0 feet west of the east line of the Southeast 1/4 of said Section 20 for a distance of 111.09 feet to the point of terminus of the herein described line.

